



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION MEETING**  
**ACTION MINUTES**  
**TOWN COUNCIL CHAMBERS**  
**110 E. MAIN STREET**  
**WEDNESDAY, FEBRUARY 28, 2007 -- 7:00 P.M.**

Please refer to compact disk #02-28-07 to hear the entire proceedings of this meeting.

**ROLL CALL:**

Present: Joanne Talesfore, Chair; D. Michael Kane, Vice Chair; John Bourgeois, Phil Micciche, Thomas O'Donnell, Stephen M. Rice and Marico Sayoc

Absent: None

Others: Associate Planner Sandy Baily, Associate Planner Joel Paulson, Assistant Planner Guido Persicone, Associate Civil Engineer Fletcher Parsons and Town Attorney Orry Korb

**SUB-COMMITTEE REPORTS**

**General Plan Committee** - Commissioner Bourgeois reported the Committee discussed the property at 115 N. Santa Cruz Avenue (Charthouse) and 112 Wilder (Charthouse parking lot) regarding a possible General Plan amendment, zone change and parking lot on Wilder.

**Historic Preservation Committee** - Commissioner Micciche reported the Committee also discussed the property at 115 N. Santa Cruz Ave (Charthouse).

**VERBAL COMMUNICATION**

Ray Davis      Commented on large hillside homes, the information obtained from the architect on the Foster Road project and also the need for visuals when approving retaining walls.

**APPROVAL OF MINUTES - NONE**

**CONSENT CALENDAR - NONE**

Commissioner Sayoc recused herself from the following item.

## **CONTINUED PUBLIC HEARING**

### **ITEM 1      Reservoir Road (Lot 3)**

Architecture and Site Application S-07-21

Requesting approval to construct a new residence on property zoned R-1:20. APN 529-31-041.

PROPERTY OWNER: Tony Jeans, T.H.I.S. Design

APPLICANT: Mark Von Kaenel & Dianna Robinson

*(Continued from January 24, 2007)*

PUBLIC TESTIMONY by Tony Jeans, Jim Soderberg, Dennis McEvoy, Lee Quintana and Ray Davis.

**MOTION:** Motion by Commissioner Kane and seconded by Commissioner Bourgeois to deny Architecture and Site Application S-07-21 as inconsistent with Hillside Design Guidelines and Standards. Motion failed 2-4 with Commissioner Sayoc recused.

**MOTION:** Motion by Commissioner O'Donnell and seconded by Commissioner Micciche to approve Architecture and Site Application S-07-21 with revised conditions. Motion failed 3-3 with Commissioner Sayoc recused.

**MOTION:** Motion by Commissioner Micciche and seconded by Commissioner Rice to deny Architecture and Site Application S-07-21. Motion passed 5-1 with Commissioner O'Donnell dissenting and Commissioner Sayoc recused.

## **NEW PUBLIC HEARINGS**

### **ITEM 2      Reservoir Road (Lot 2)**

Architecture and Site Application S-07-4

Requesting approval to construct a new residence on property zoned R-1:20. APN 529-31-041.

PROPERTY OWNER: Sienna Oaks LLC

APPLICANT: Lynn O' Brien

PUBLIC TESTIMONY by Michael Davis, Susan Kankel and Ray Davis.

**MOTION:** Motion by Commissioner Rice and seconded by Commissioner Kane to continue this item. Motion by Commissioner Micciche and seconded by Commissioner Rice to continue to a date certain of April 11, 2007.

Motion carried 7-0.

ITEM 3      **33 N. Santa Cruz Avenue**  
Conditional Use Permit U-07-16

Requesting approval to operate a new car sales facility (Green Vehicles) on property zoned C-2. Ancillary uses include providing workshops and classes about the environment. APN 510-44-032.

PROPERTY OWNER: Kilkenny Properties

APPLICANT: Ehab Youssef

PUBLIC TESTIMONY by Ehab Youssef.

**MOTION:** Motion by Commissioner Micciche and seconded by Commissioner Kane to approve Conditional Use Permit U-07-16. The required findings were made as noted in Exhibit A of the report dated February 22, 2007 and the application incorporated conditions as noted in Exhibit F of the Desk Item dated February 28, 2007

Motion carried 7-0.

*Appeal rights recited by Mr. Korb*

ITEM 4      **15960-15970 Los Gatos Boulevard**  
Architecture and Site Application S-07-009  
Conditional Use Permit U-07-006

Requesting approval to modify an existing CUP for a restaurant (Café Viva) with alcohol service to expand the hours of operation, modify outdoor patio dining area, expand to an adjacent tenant space, and expand approved entertainment on property zoned C-1. APN 523-01-012.

PROPERTY OWNER: Colg, LP

APPLICANT: Viva Primavera, LLC

PUBLIC TESTIMONY by Beau Jacob, Jeff Hanson, Elizabeth Cilker Smith and Ray Davis.

**MOTION:** Motion by Commissioner Bourgeois and seconded by Commissioner Micciche to approve Architecture and Site Application S-07-009 based on the revised plans submitted at the meeting. The required findings were made as noted in Exhibit A of report dated February 22, 2007 and the application incorporated conditions as noted in Exhibit C and D of report dated February 22, 2007. Motion passed 4-3 with Commissioners Sayoc, Kane and Talesfore dissenting.

**MOTION:** Motion by Commissioner O'Donnell and seconded by Commissioner Rice to continue this item. Motion failed 3-4 with Commissioners Bourgeois, Talesfore, Rice and Micciche dissenting.

**MOTION:** Motion by Commissioner Bourgeois and seconded by Commissioner Micciche to approve Architecture and Site Application S-07-009 and recommend approval of Conditional Use Permit U-07-006 with exception to expand the liquor service and entertainment, and limiting hours to midnight and forward to the Town Council for final consideration. Motion passed 7-0.

Motion by Commissioner Talesfore and seconded by Commissioner Bourgeois to continue meeting after 11:00 P.M.

**CONTINUED OTHER BUSINESS - NONE**

**NEW OTHER BUSINESS**

Report from Director of Community Development - None

Commission Matters - None

**ADJOURNMENT**

Chair Talesfore adjourned the meeting at approximately 11:30 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION  
February 28, 2007

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Joanne Talesfore, Chair

APPROVED AS TO FORM AND ATTEST:

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Randy Tsuda  
Assistant Director of Community  
Development

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Bud N. Lortz  
Director of Community Development